

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

USDC SDNY
DOCUMENT
ELECTRONICALLY FILED
DOC #:
DATE FILED: August 3, 2016

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ANGEL AGUSTIN ARGUETA ANARIBA,

Petitioner,

-v-

CHRISTOPHER SHANAHAN; SCOTT
MECHKOWSKI; JEH JOHNSON; and
LORETTA LYNCH, *each in his/her official
capacity,*

Respondents.
----- X

16-cv-1928 (KBF)

ORDER

KATHERINE B. FORREST, District Judge:

The Court issued an opinion and order in this matter on June 2, 2016. (ECF No. 10.) Subsequently, on July 26, 2016, petitioner moved to compel his release. (ECF No. 12.) On July 29, 2016 before the Court was able to act on the motion to set a schedule for respondents to oppose, respondents appealed the Court's June 2, 2016 judgment. (ECF No. 15.) Respondents then, on August 3, 2016, requested an extension of time to file their opposition to the motion to compel. (ECF No. 16.)

The Court hereby requests that respondents consider whether their current appeal to the Second Circuit should be withdrawn in light of that Court's decision in Guerra v. Shanahan, No. 15-504-cv (2d Cir. July 29, 2016).

If respondents do not elect to withdraw the currently pending appeal, the Court believes it is without jurisdiction to consider petitioner's motion to compel his release. If the parties have a different view of the Court's jurisdiction during the

pendency of respondents' appeal, they shall inform the Court of such view by brief letter or letters not later than **Wednesday, August 10, 2016**.

SO ORDERED.

Dated: New York, New York
August 3, 2016

A handwritten signature in black ink, appearing to read "K. B. Forrest", is written above a horizontal line.

KATHERINE B. FORREST
United States District Judge